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Attorneys for Defendants UNITED AGRI PRODUCTS, INC., and UAP DISTRIBUTION, INC.

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

KEN KUNZLER

Plaintiff,

v.

UNITED AGRI PRODUCTS, INC., UAP  
DISTRIBUTION, INC., and DOES 1 through  
25, inclusive

Defendants.

Case No. C 07-03555 EMC

**DEFENDANT'S NOTICE OF  
SETTLEMENT AND REQUEST TO  
POSTPONE STATUS CONFERENCE SET  
FOR FEBRUARY 20, 2008 ; ORDER**

Removal Filed: July 10, 2007  
Trial Date: None Set

COMES NOW Defendant UAP Distribution, Inc. (hereinafter "Defendant"), pursuant to the instructions of the Court's assistant, and hereby provides notice that the parties have agreed to settle this lawsuit. The parties are working on finalizing the settlement, and they plan to file a Stipulation for Dismissal of All Claims with Prejudice (hereinafter "Stipulation") as soon as the settlement is finalized. At this time, Defendant is unsure that the parties can finalize the settlement and file the Stipulation prior to the status conference set for 2:30 p.m. on February 20, 2008. As such, Defendant, with the knowledge of Plaintiff, and at the suggestion of the Court's assistant, respectfully requests that the Court postpone the status conference set for February 20, 2008 (as

4842-2717-4402.1

1 well as the deadline for a submission regarding the same), until 2:30 p.m. on March 26, 2008, to  
2 allow the parties additional time to file the Stipulation. If for some reason the parties have not  
3 finalized the settlement and filed the Stipulation by March 26, 2008, they would appear that day  
4 (by phone if permitted by the Court) and explain the status to the Court.

5  
6 Dated: February 11, 2008

LEWIS BRISBOIS BISGAARD & SMITH LLP

7  
8 By /s/  
9 Shawn A. Toliver  
Helen Lee Greenberg  
10 Attorneys for Defendants UNITED AGRICULTURAL  
11 PRODUCTS, INC., and UAP  
DISTRIBUTION, INC.

12  
13 Dated: February 11, 2008

14 By /s/  
15 Ross W. Johnson\*  
16 Carolyn A. Gunkel\*  
17 FAEGRE & BENSON LLP  
18 \* Admitted *pro hac vice*

19 IT IS SO ORDERED.

20 Status Conference is  
21 reset from 2/20/08 to  
22 3/26/08 at 2:30 p.m. An  
23 updated joint Status  
24 Conference Statement  
25 shall be filed by 3/19/08.

26  
27  
28 

Edward M. Chen  
U.S. Magistrate Judge